

Alaska House of Representatives

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During the Legislative Session
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House Special Committee Military and Veterans Affairs

Sponsor Statement

HB 194

RIGHTS-OF-WAY

House Bill 194 limits the scope with which the State can exercise its RS2477 rights-of-way.

Rights-of-way were established in the state under R.S. 2477 through use and development until virtually all federal land in the state was withdrawn when Public Land Order 4582 was issued on January 17, 1969, which placed all federal land in the state in a reserved status. When sec. 706 of the Federal Land Policy and Management Act (43 U.S.C. 1701) repealed R.S. 2477 on October 21, 1976, valid existing rights under R.S. 2477 were preserved. In 1998, the Alaska State Legislature recognized claims to 602 rights-of-way, and the Department of Natural Resources has identified 67 additional R.S. 2477 rights-of-way. A significant number of the claimed R.S. 2477 rights-of-way in the state cross privately owned land. R.S. 2477 rights-of-way that cross private property have resulted in increased trespass to private land, resource damage to the servient estate, and conflicts between the public users, private landowners, and state right-of-way managers, all of which can lead to time-consuming and costly litigation. While providing for the public right to access R.S. 2477 rights-of-way, every effort should be made to minimize the effect on the affected property owners.

House Bill 194 would minimize this effect by limiting these rights-of-way to 60 feet and restricting their purpose to transportation. It also sets up the conditions for secondary easements for inspection, repair, maintenance and improvements, and the conditions for dispute resolution. The bill also states that realignment of RS2477s will be handled under eminent domain law.

House Bill 194 also vacates the Copper Center - Valdez right-of-way. This R.S. 2477 right-of-way overlaps a 17(b) easement involving a road and all-terrain vehicle trail that is roughly parallel the Klutina River from the New Richardson Highway to partway around Klutina Lake; the road and trail form a portion of the claimed Copper Center-Valdez right-of-way. The road and trail are also supported by 17(b) easements which were reserved to the public when the federal government conveyed the land underlying the road and trail to Ahtna, Incorporated.

District 39: Alatna, Alcan Border, Allakaket City, Arctic Village, Beaver, Bettles City, Birch Creek, Brevig Mission City, Central, Chalkyitsik, Chicken, Chisana, Chistochina, Chitina, Circle, Coldfoot, Copper Center, Diomedes City, Dot Lake, Dot Lake Villages, Dry Creek, Eagle City, Eagle Village, Elim City, Evansville, Fort Yukon City, Gakona, Galena City, Gambell City, Golovin City, Gulkana, Healy Lake, Hughes City, Huslia City, Kaltag City, Kenny Lake, Koyuk City, Koyukuk City, Livengood, McCarthy, Mentasta Lake, Nabesna, New Allakaket, Nome City, Northway, Northway Junction, Northway Village, Nulato City, Paxson, Port Clarence, Rampart, Savoonga City, Shaktoolik City, Shishmaref City, Silver Springs, Slana, St. Michael City, Stebbins City, Stevens Village, Tanacross, Tazlina, Teller City, Tetlin, Tok, Unalakleet City, Venetie, Wales City, White Mountain City and Wiseman.